

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Darnell L. Lewis

v.

Case No. 16-cv-188-LM

Warden, Federal Correctional
Institution, Berlin, New Hampshire

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated April 27, 2017, for the reasons set forth therein. Respondent's motion for summary judgment (document no. 10) is hereby denied, without prejudice.

"`[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

SO ORDERED.



Landya B. McCafferty
United States District Judge

Date: May 17, 2017

cc: Darnell L. Lewis, pro se
Seth R. Aframe, AUSA